

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Intersection of Samac Street and 1st Street, Lampasas, Lampasas County

TYPE OF OPERATION: Construction site

SMALL BUSINESS: X Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired June 22, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Heather Brister, Water Enforcement Section, MC R-9, (254) 761-3034

TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001

Respondent: Mr. Deorald Finney, Director, D. L. Finney Investments, Inc., 3314 County Road 3420, Lampasas, Texas, 76650

Respondent's Attorney: Mr. Geron B. Crumley, 413 East Third Street, Lampasas, Texas, 76550

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 19, 2008</p> <p>Date of NOE Relating to this Case: March 7, 2008</p> <p>Background Facts: The EDPRP was filed on September 5, 2008. The Respondent filed an answer and the case was referred to SOAH. The Respondent signed the agreed order on March 26, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>WQ: Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c)].</p>	<p>Total Assessed: \$2,100</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$2,100</p> <p>The Respondent paid the assessed penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Respondent provided verification on March 13, 2009, that construction had been completed at the Site and there was sufficient vegetative cover at the Site to prevent sediment discharges.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned	10-Mar-2008	Screening	8-Apr-2008	EPA Due	
	PCW	8-Jul-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	D.L. Finney Investments, Inc.		
Reg. Ent. Ref. No.	RN104968474		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35692	No. of Violations	1
Docket No.	2008-0586-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** \$100

Notes: The Respondent received one Notice of Violation for violations that are considered same or similar.

Culpability **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts **Subtotal 6** \$0

Total EB Amounts	\$249
Approx. Cost of Compliance	\$2,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$2,100

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$2,100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$2,100

DEFERRAL **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

This is not an expedited case.

PAYABLE PENALTY \$2,100

Screening Date 8-Apr-2008

Docket No. 2008-0586-WQ-E

PCW

Respondent D.L. Finney Investments, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35692

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN104968474

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received one Notice of Violation for violations that are considered same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 8-Apr-2008 Respondent D.L. Finney Investments, Inc. Case ID No. 35692 Reg. Ent. Reference No. RN104968474 Media [Statute] Water Quality Enf. Coordinator Heather Brister Violation Number <input type="text" value="1"/>	Docket No. 2008-0586-WQ-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002) PCW Revision February 29, 2008 </div>																				
Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)																					
Violation Description Failed to obtain authorization to discharge storm water associated with construction activities, as documented during an investigation conducted on February 19, 2008.																					
Base Penalty <input style="width: 100px;" type="text" value="\$10,000"/>																					
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%; text-align: center;">Release</td> <td style="width: 15%; text-align: center;">Harm</td> <td style="width: 15%;"></td> <td style="width: 40%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Major Moderate Minor</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Actual</td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> Percent <input style="width: 50px;" type="text" value="0%"/> </div>		Release	Harm					Major Moderate Minor				Actual	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>		Potential	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
	Release	Harm																			
		Major Moderate Minor																			
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	Potential	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>																	
>> Programmatic Matrix																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%; text-align: center;">Falsification</td> <td style="width: 15%; text-align: center;">Major</td> <td style="width: 15%; text-align: center;">Moderate</td> <td style="width: 15%; text-align: center;">Minor</td> <td style="width: 40%;"></td> </tr> <tr> <td></td> <td><input style="width: 50px;" type="text"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td></td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> Percent <input style="width: 50px;" type="text" value="10%"/> </div>		Falsification	Major	Moderate	Minor			<input style="width: 50px;" type="text"/>	<input checked="" type="checkbox"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>									
	Falsification	Major	Moderate	Minor																	
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Matrix Notes	100% of the rule requirement was not met.																				
Adjustment <input style="width: 100px;" type="text" value="\$9,000"/>																					
<input style="width: 100px;" type="text" value="\$1,000"/>																					
Violation Events																					
<div style="display: flex; justify-content: space-between;"> <div> Number of Violation Events <input style="width: 50px;" type="text" value="2"/> </div> <div> <input style="width: 50px;" type="text" value="49"/> Number of violation days </div> </div> <div style="margin-top: 10px;"> <div style="display: flex; align-items: center;"> <div style="width: 100px; font-size: x-small;">mark only one with an x</div> <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 50px; text-align: center;">daily</td><td><input style="width: 50px;" type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input style="width: 50px;" type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input style="width: 50px;" type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input style="width: 50px;" type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input style="width: 50px;" type="text"/></td></tr> </table> </div> <div style="margin-left: 20px; text-align: right;"> Violation Base Penalty <input style="width: 100px;" type="text" value="\$2,000"/> </div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> Two monthly events are recommended from the investigation date (February 19, 2008) to the date of screening (April 8, 2008). </div>		daily	<input style="width: 50px;" type="text"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input style="width: 50px;" type="text"/>	semiannual	<input style="width: 50px;" type="text"/>	annual	<input style="width: 50px;" type="text"/>	single event	<input style="width: 50px;" type="text"/>								
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quarterly	<input style="width: 50px;" type="text"/>																				
semiannual	<input style="width: 50px;" type="text"/>																				
annual	<input style="width: 50px;" type="text"/>																				
single event	<input style="width: 50px;" type="text"/>																				
Economic Benefit (EB) for this violation																					
Estimated EB Amount <input style="width: 100px;" type="text" value="\$249"/>																					
Statutory Limit Test																					
Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$2,100"/>																					
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$2,100"/>																					

Economic Benefit Worksheet**Respondent** D.L. Finney Investments, Inc.**Case ID No.** 35692**Reg. Ent. Reference No.** RN104968474**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	14-Jun-2006	8-Dec-2008	2.5	\$249	n/a	\$249
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to develop and implement a storm water pollution prevention plan and to obtain a permit to discharge storm water at a construction site. Date Required is the date when the violation was initially documented. Final Date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$2,000

TOTAL

\$249

Compliance History

Customer/Respondent/Owner-Operator: CN603047994 D.L. FINNEY INVESTMENTS, INC. Classification: AVERAGE Rating: 3.00

Regulated Entity: RN104968474 INTERSECTION OF SAMAC ST AND 1ST ST Classification: AVERAGE Site Rating: 3.00

Location: AT THE INTERSECTION OF 1ST ST AND SAMAC ST, LAMPASAS, LAMPASAS COUNTY, TEXAS Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: March 31, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 31, 2003 to March 31, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: (254) 761-3048

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 03/07/2008 (636557)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/14/2006 (484544)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT CGP; Part II; Section D(3)(b)

Description: Failure to obtain authorization to discharge stormwater in association with a construction activity.

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
D. L. FINNEY INVESTMENTS,
INC.,
RN104968474

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0586-WQ-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding D. L. Finney Investments, Inc. ("D. L. Finney") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and D. L. Finney represented by Geron B. Crumley, Attorney at Law, appear before the Commission and together stipulate that:

1. D. L. Finney owns and operates a construction site located at the intersection of Samac Street and 1st Street, Lampasas, Lampasas County, Texas (the "Site").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and D. L. Finney agree that the Commission has jurisdiction to enter this Agreed Order, and that D. L. Finney is subject to the Commission's jurisdiction.
4. D. L. Finney received notice of the violations alleged in Section II ("Allegations") on or about March 12, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by D. L. Finney of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of two thousand one hundred dollars (\$2,100.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). D. L. Finney paid two thousand one hundred dollars (\$2,100.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and D. L. Finney agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that D. L. Finney provided verification on March 13, 2009, that construction had been completed at the Site and there was sufficient vegetative cover at the Site to prevent sediment discharges.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that D. L. Finney has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on February 19, 2008, a TCEQ Waco Regional Office investigator documented that D. L. Finney violated 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c) by failing to obtain authorization to discharge storm water associated with construction activities.

III. DENIALS

D. L. Finney generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that D. L. Finney pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and D. L. Finney's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: D. L. Finney Investments, Inc., Docket No. 2008-0586-WQ-E" to:

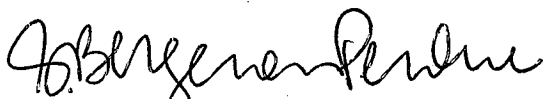
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon D. L. Finney. D. L. Finney is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against D. L. Finney in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to D. L. Finney, or three days after the date on which the Commission mails notice of the Order to D. L. Finney, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/17/2009

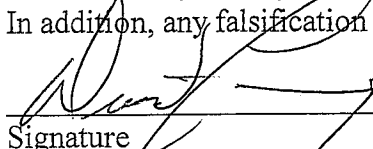
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on D. L. Finney's compliance history;
- Greater scrutiny of any permit applications submitted by D. L. Finney;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against D. L. Finney;
- Automatic referral to the Attorney General's Office of any future enforcement actions against D. L. Finney; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3-26-09

Date

DEORALD L. FINNEY

Name (Printed or typed)
Authorized representative of
D. L. Finney Investments, Inc.

Director

Title